

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 10/6/2020

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

DARRYL CHALMERS, <i>et al.</i>	)	
	)	
On behalf of themselves and all others	)	
similarly situated,	)	Civil No. 1:20-cv-03389-AT
	)	
Plaintiffs,	)	
	)	
v.	)	PUTATIVE CLASS ACTION
	)	
CITY OF NEW YORK,	)	
	)	
Defendant.	)	
	)	

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**ORDER ON PRODUCTION OF ELECTRONICALLY STORED INFORMATION**

Pursuant to Federal Rule of Civil Procedure 34(a)(1), the parties agree that Electronically Stored Information (“ESI”) will be produced as follows:

1. Documents created or stored electronically will not be produced in hard copy. All ESI will be produced with the metadata requested below to the extent that it exists.
2. Documents originating in spreadsheet such as Excel or any document that cannot be converted to TIF will be produced in native form. For deliverables containing native files, a native file path/link will be included in the metadata load file. Additionally, a Bates-stamped TIF placeholder will be included in the production and reflected in the image load file. The number of native files per folder will be limited to 1,000 files.
3. If responses to these requests encompass ESI from proprietary or non-proprietary databases, the parties will meet and confer to discuss the fields contained in the database and the best means of producing responsive information from them, such as running reports or queries. A written list of all database fields and a reasonable description for each field, or a “database dictionary,” will be included only to the extent it already exists.

4. For deliverables containing multi-media files, the following production format will be used:

- a. Audio Data Files: Audio data files will be produced in their native format.
- b. Video Files: Video files will be produced in their native format.
- c. Image Files: If providing color images, files will be produced in “JPEG/JPG” format with a resolution of 150 to 300 DPI.

5. All deliverables will include a metadata load file that is in .DAT or .TXT format with standard Concordance delimiters, and contain all fields outlined below. Image load files will be provided in .OPT format.

6. Documents will be produced in single page black and white TIF images and named according to the Bates number of the corresponding TIF image. Each \*.tif file will be assigned a unique name matching the Bates number of the corresponding image. The Bates number will be consistent across the production, contain no special characters, and be numerically sequential within a given document. Attachments to documents will be assigned Bates numbers that directly follow in sequential order the Bates numbers on the documents to which they were attached. If a Bates number or set of Bates numbers is skipped, e.g. because of a privileged document, the skipped number or set of numbers will be noted, for example with a placeholder.

7. All unredacted documents will be provided with complete document-level extracted text files. If a document contains text which is to be redacted, OCR text files will be provided for any un-redacted portions of the documents. Document-level OCR text files will be provided for any unredacted portions of redacted documents and for all hard copy scanned documents. The extracted full text and/or OCR text for all deliverables will be in separate document-level TXT files. All associated text files shall be provided in a single directory and

named after the starting Bates number of the document. There will be one text file per document. The number of TXT files per folder will be limited to 1,000 files.

8. For email collections, the parent-child relationships (the association between emails and attachments) will be preserved. Email attachments will be consecutively produced with the parent email record.

9. All images will be provided in single-page, Group IV TIF with a resolution of 300 DPI. Bates numbers and confidentiality designations will be electronically branded on each produced \*.tif image. These .TIF images will be provided in a separate folder and the number of TIF files per folder will be limited to 1,000 files.

10. Metadata to be produced: The following metadata fields will be produced for each document to the extent that such information is available after collection and processing, except that if a field contains privileged information, that privileged information may be redacted and noted in a corresponding privilege log.

<b>FIELD NAME</b>	<b>DESCRIPTION</b>	<b>EXAMPLE</b>
PRODNO	Starting Bates number of file	NYCE000000001
ENDPRODNO	Ending Bates number of file	NYCE000000005
BEGFAMILY	Starting Bates number of family	NYCE000000001
ENDFAMILY	Ending Bates number of family	NYCE000000010
PGCOUNT	Number of pages in the file	6
NATIVELINK	Hyperlink to native file	Z:\VOL001\NATIVES\00\NYCE00000001.doc
ALLCUSTODIAN	All custodians of the record, if global deduplication was applied during processing.  A revised ALLCUSTODIANS field must be provided in the form of an overlay for any documents affected by new custodians added to the database post-production.	Doe_John;Smith_Mary;Robinson_Jane
FILEPATH	Original path of the file	Path\Folder2\My Documents
FILENAME	Name of the file	My Meeting.doc

FILEEXT	Extension of the file	DOC
FILETYPE	Classification assigned by the processing software	Microsoft Word Document
TITLE	Data stored in the title metadata field	Agenda for Weekly Meeting
AUTHOR	Data stored in the author metadata field	Jdoe
SUBJECT	Subject of the email or the data stored in the subject metadata field	Meeting Agenda
FROM	Email address and display name of the sender of the email	John Doe <jdoe@company.com>
TO	Email address(es) and display name(s) of the recipient(s) of the email	Frank Smith <frank.smith@mycompany.com>;Jane Doe <jane.doe@mycompany.com>
CC	Email address(es) and display name(s) of the CC(s) of the email	Joseph Roberts <jroberts@company.com>;Mark Smith <msmith@company.com>
BCC	Email address(es) and display name(s) of the BCC(s) of the email	Joseph Roberts <jroberts@company.com>;Mark Smith <msmith@company.com>
ATTACHLIST	List of files attached to email	File 1.xls;File 3.zip
SENT_DATE	Sent date of the email	09/15/2012
SENT_TIME	Sent time of the email (24hr format)	13:30:25
LASTMOD_DATE	Last modified date of the file as captured by the original application or the last modified date of the file as captured by the file system	09/09/2012
LASTMOD_TIME	Last modified time of the file as captured by the original application or the last modified time of the file as captured by the file system (24hr format)	09:30:30
MD5HASH	MD5 hash of file	D41D8CD98F00B204E9800998ECF8427E
SORT_DATE	Sent date of the email or the last modified date of the parent document	09/15/2012
SORT_TIME	Sent time of the email or the last modified time of the parent document (24hr format)	13:30:25
TEXTLINK	Hyperlink to text file	Z:\VOL001\TEXT\00\NYCE00000001.txt

11. All documents shall be produced under a Protective Order and a FRE 502(d) Order.

12. Where multiple email messages are part of a single chain or “thread,” a party is only required to produce the most inclusive message and need not produce earlier, less inclusive email messages or “thread members” that are fully contained—including attachments and including identical senders and recipients—within the most inclusive email message.

13. In addition to De-Duplication and Email Threading, the parties may use additional technologies for the purposes of assisting review, including but not limited to, Near-Dupe, Email Clustering and Technology Assisted Review (TAR), provided that, if they plan to use TAR, they first inform opposing counsel of the technologies and the human controls on the TAR technologies that they plan to use and meet and confer about the TAR methodology to be used. If the parties are unable to reach agreement, the same type of dispute resolution process as any other discovery dispute will be used.

SO ORDERED.

Dated: October 6, 2020  
New York, New York



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ANALISA TORRES  
United States District Judge